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7 THE HON. MARSHA J. PECHMAN
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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TRAVIS MICKELSON, et. ux.

10 Plaintiffs,

11 vs.

12 CHASE HOME FINANCE LLC, et. al.

13 Defendants.

14 NO. 2:11-cv-01445

15 NOTICE OF SUPPLEMENTAL
16 AUTHORITY, PLAINTIFFS'
17 RESPONSE TO DEFENDANTS'
18 MOTION TO DISMISS

19 Plaintiff provides the following supplemental authority to their RESPONSE TO
20 DEFENDANTS JPMORGAN CHASE BANK, MERS, AND FEDERAL HOME LOAN
21 MORTGAGE CORPORATION'S PARTIAL MOTION TO DISMISS UNDER FED. R.
22 CIV. P. 12(b)(6) AND JOINDERS THEREIN (dkt. no. 55) ("MTD Response"): Opinion and
23 Order in the matter of *James, et. ux. v. Recontrust Company, et. al.*, 3:11-cv-00324-ST (D.
24 ORE., Feb. 29, 2012) ("Opinion and Order") (copy attached hereto).

25 The Opinion and Order at pp. 12-13 (analogous facts), 15-23 (analysis of comparable
26 statute), 23-39 (analysis of similar arguments and other jurisdictions opinions), 40-41
(conclusion) supplements Plaintiffs argument in general, and specifically that:

The designation of MERS as a nominee to hold only a legal interest directly
conflicts with the statutory definition of "beneficiary" which requires that the
beneficiary must hold the note. Under the statutory definition, only MHL

NOTICE OF SUPPLEMENTAL AUTHORITY- 1

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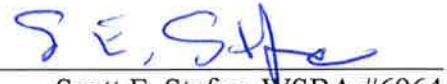
1 Funding could be the note holder and therefore "beneficiary" at the time the
2 foreclosure was initiated. *See* RCW 61.24.005(2).

2 MTD Response at 10:16-20. The opinion was issued a month after plaintiffs response was due
3 and provides useful comparison and analysis.

4 Therefore, the plaintiffs respectfully request this Court take notice of Opinion and Order
5 as part of plaintiff's arguments (MTD Response at 10:16-20) in response to the pending
6 motion to dismiss.

7
8 DATED this 11 day of March, 2012 at Arlington, WA.

9
10 Respectfully Submitted,

11 
12 Scott E. Stafne, WSBA #6964
13 Stafne Law Firm
14 239 North Olympic Avenue
15 Arlington, WA 98223
Phone: (360) 403-8700
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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on March 6th, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Fred B. Burnside: fredburnside@dwt.com
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DATED this 10th day of March, 2012 at Arlington, WA.

Chessa Tachiki, Paralegal
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